

# Somayaji PA DC MERGED

## Designation List Report



Last, First

2025-01-07



Documents linked to video:

TX638

TX933

TX934



ID: V5A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

### COURT EXHIBIT 10

Case No. 3:21-cv-03496-AMO

Date Entered \_\_\_\_\_





By \_\_\_\_\_

Deputy Clerk





## V5A - Somayaji PA DC MERGED

DESIGNATION	SOURCE	DURATION	ID
8:12 - 8:23	<b>Last, First 2025-01-07</b>	00:00:22	<b>V5A.1</b>
	8:12 THE REPORTER: Could you raise your right		
	8:13 hand, please.		
	8:14 SHARATHCHANDRA 'SHARK' SOMAYAJI,		
	8:15 sworn as a witness,		
	8:16 testified as follows:		
	8:17 THE REPORTER: Thank you.		
	8:18 You may proceed.		
	8:19 EXAMINATION BY MR. VAN HOVEN:		
	8:20 Q. Good morning, Mr. Somayaji.		
	8:21 How are you?		
	8:22 A. I am good.		
	8:23 You can call me 'Shark,' please.		
14:06 - 14:20	<b>Last, First 2025-01-07</b>	00:00:48	<b>V5A.2</b>
	14:06 When did you start with Intuitive?		
	14:07 A. I started in August 2010.		
	14:08 Q. And that was a -- as a senior		
	14:09 manufacturing engineer?		
	14:10 A. That is correct.		
	14:11 Q. And is your employment based in Sunnyvale?		
	14:12 A. That's correct.		
	14:13 Q. And what were your responsibilities as a		
	14:14 senior manufacturing engineer?		
	14:15 A. I was primarily responsible for our core		
	14:16 instruments for -- prior to the Xi launch, which		
	14:17 is Si 8 millimeter instruments, 5 millimeter		
	14:18 instruments. I am a manufacturing engineer, so I		
	14:19 am responsible for ensuring that the lines build		
	14:20 product properly.		
14:25 - 15:10	<b>Last, First 2025-01-07</b>	00:00:28	<b>V5A.3</b>
	14:25 Q. And you were in that role until		
	15:01 August 2012?		
	15:02 A. That is correct.		
	15:03 Q. During the time that you were enrolled as		
	15:04 senior manufacturing engineer --		
	15:05 A. Uh-huh.		
	15:06 Q. -- did you only work with Si instruments?		
	15:07 A. That is correct.		
	15:08 Q. And at some point later in time did you		
	15:09 work with Xi instruments?		




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DESIGNATION	SOURCE	DURATION	ID
	15:10 A. That is correct.		
19:11 - 19:15	<b>Last, First 2025-01-07</b>	00:00:12	<b>V5A.15</b>
	19:11 Q. So you don't really know anything about		
	19:12 the programming of the Si instruments in your role		
	19:13 as a mechanic, as a manufacturing engineer during		
	19:14 that time?		
	19:15 A. No. I am a mechanical engineer.		
23:15 - 23:24	<b>Last, First 2025-01-07</b>	00:00:36	<b>V5A.4</b>
	23:15 Q. And in April 2021, you became a senior		
	23:16 director of manufacturing engineering?		
	23:17 A. That is correct.		
	23:18 Q. How does that role compare to your		
	23:19 previous role as director of NPI engineering?		
	23:20 A. Let me explain the role.		
	23:21 As the senior director of manufacturing		
	23:22 engineering, I am in charge or responsible for our		
	23:23 entire instruments and accessories manufacturing		
	23:24 engineering aspects for our Xi and Si portfolio.		
91:19 - 91:23	<b>Last, First 2025-01-07</b>	00:00:21	<b>V5A.5</b>
 TX933.1	91:19 Q. All right. Mr. Somayaji, I'm going to		
	91:20 load as Exhibit 216, Tab 23 in your binder. I'll		
	91:21 represent that this is Intuitive-00991241.		
	91:22 (Plaintiff's Exhibit No. 216 Marked for		
	91:23 Identification.)		
92:14 - 93:08	<b>Last, First 2025-01-07</b>	00:01:11	<b>V5A.6</b>
 TX933.1.1	92:14 Q. Does this -- this appear to be another		
	92:15 response to Sumona Adhya's e-mail regarding		
	92:16 Cadiere has passed 30 SSUs?		
	92:17 A. That's correct.		
 TX933.1.2	92:18 Q. In here, you ask, 'do we need marketing		
	92:19 buy off or are we set to go?'		
	92:20 Do you see that?		
	92:21 A. That's correct.		
	92:22 Q. What is 'marketing'?		
	92:23 A. The 'marketing' I'm referring to here is		
 TX933.1.3	92:24 product marketing. There are two names on that		
	92:25 e-mail, Todd Tourand and Jenacyn Nicholson. They		
	93:01 were the product marketing managers for single		
	93:02 port instruments.		

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DESIGNATION	SOURCE	DURATION	ID
	93:03 I'm referring to them.		
	93:04 Q. And so you are referring to whether you		
	93:05 needed buy off from them or whether you could be		
	93:06 set to go based on the engineering results?		
	93:07 A. That is what the e-mail says; that's		
 Clear	93:08 correct.		
93:12 - 93:25	<b>Last, First 2025-01-07</b>	00:00:42	<b>V5A.16</b>
 TX934.1	93:12 Q. I'm bringing up Tab 27, which is		
	93:13 Exhibit 217, and I'll represent it is		
	93:14 Intuitive-00999076.		
	93:15 A. That's an e-mail from Shark on		
	93:16 September 6th, 2019?		
	93:17 Q. That's correct.		
	93:18 (Plaintiff's Exhibit No. 217 Marked for		
	93:19 Identification.)		
	93:20 BY MR. VAN HOVEN:		
 TX934.1.1	93:21 Q. And you see there's an original e-mail		
	93:22 from Andrew Penfold to yourself?		
	93:23 A. That's correct.		
	93:24 Let me quickly read through it.		
	93:25 Q. Yup.		
94:01 - 94:04	<b>Last, First 2025-01-07</b>	00:00:13	<b>V5A.17</b>
	94:01 A. Yes, I'm ready.		
	94:02 Q. Do you see that there's a reference to		
	94:03 'extended lives'?		
 Clear	94:04 A. That's correct. I see it.		
94:05 - 94:14	<b>Last, First 2025-01-07</b>	00:00:29	<b>V5A.7</b>
	94:05 Q. Do you recall there being a project to		
	94:06 have extended lives for certain da Vinci		
	94:07 instruments?		
	94:08 A. Yes.		
	94:09 Q. Do you know if extended lives were ever		
	94:10 implemented for Si instruments?		
	94:11 A. Not to my memory.		
	94:12 Q. Were extended lives implemented for some		
	94:13 Xi instruments?		
	94:14 A. That's correct.		
94:15 - 95:25	<b>Last, First 2025-01-07</b>	00:01:49	<b>V5A.18</b>
	94:15 Q. And do you understand that to be what		



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DESIGNATION	SOURCE	DURATION	ID
	94:16 Mr. Penfold is referring to in this e-mail,		
	94:17 extended lives for Xi instruments?		
	94:18 A. That is correct. I was part of a team		
	94:19 that was getting the extended lives for Xi		
	94:20 instruments, and Andrew was asking me questions.		
	94:21 Q. And your role on that team was to provide		
	94:22 manufacturing, engineering input to the extended		
	94:23 lives for Xi instruments project?		
	94:24 A. That's correct.		
 TX934.1.3	94:25 Q. And Mr. Penfold asked if there'd be any		
	95:01 manufacturing cost savings per instrument.		
	95:02 Do you see that?		
	95:03 A. Yes, I do.		
 TX934.1.2	95:04 Q. And you respond that: 'Unfortunately		
	95:05 there will be no savings from materials due to		
	95:06 increased lives.'		
	95:07 A. That is correct.		
	95:08 Q. What was -- what did you mean by 'there		
	95:09 will be no savings from materials' there?		
	95:10 A. Uh-huh. So Andrew is asking, by		
	95:11 increasing the number of lives of instruments,		
	95:12 does that change the cost structure of the		
	95:13 instruments, like does it make it cheaper.		
	95:14 And I said unfortunately, there is no		
	95:15 reduction in the cost of instruments.		
	95:16 Q. Why is that?		
	95:17 A. The way I understand economics or economy		
	95:18 of scale works, so the more you build or the more		
	95:19 you buy, the less it costs -- at least a little		
	95:20 bit, up to a certain -- when you increase the		
	95:21 number of lives of instruments, the total quantity		
	95:22 of instruments I bill will be lower. So all the		
	95:23 materials that are going into the instrument will		
	95:24 actually get more expensive. They will not get		
 Clear	95:25 cheaper.		
98:10 - 98:19	<b>Last, First 2025-01-07</b>	00:00:38	<b>V5A.8</b>
	98:10 Q. Were there any changes required to the		
	98:11 RFID tag for the extended use program?		
	98:12 A. The same RFID tag was used for extended		
	98:13 use instrument as the pre-extended use instrument.		


## V5A - Somayaji PA DC MERGED

DESIGNATION	SOURCE	DURATION	ID
	98:14 Q. Were there any changes to the data that		
	98:15 was stored into the RFID tags for the extended use		
	98:16 instruments?		
	98:17 A. That is correct.		
	98:18 So the number of lives definitely had to		
	98:19 change as part of the extended life program.		
102:17 - 103:08	<b>Last, First 2025-01-07</b>	00:00:54	<b>V5A.9</b>
	102:17 Q. Does the manufacturing cost increase or		
	102:18 change for an extended life instrument?		
	102:19 A. So you'll have to clarify the question		
	102:20 there.		
	102:21 Q. What's unclear?		
	102:22 A. What is manufacturing cost?		
	102:23 Like, I can nerd up for an hour about		
	102:24 manufacturing cost, so...		
	102:25 Q. Sure. Have you heard of the term COGS, or		
	103:01 cost of goods sold?		
	103:02 A. Okay. Good. Cost of goods, like which is		
	103:03 the actual material cost, like the -- this is the		
	103:04 physical component cost for extended life		
	103:05 instrument, I would expect them to be really close		
	103:06 to the non-extended life instrument.		
	103:07 Q. And what about labor costs to manufacture		
	103:08 them?		
103:10 - 103:12	<b>Last, First 2025-01-07</b>	00:00:06	<b>V5A.10</b>
	103:10 THE WITNESS: The labor cost I would say		
	103:11 would be really close to non-extended life		
	103:12 instrument.		
108:24 - 109:15	<b>Last, First 2025-01-07</b>	00:00:57	<b>V5A.11</b>
	108:24 Q. Is the chip of the Si instrument that		
	108:25 includes the use counter different than the chip		
	109:01 of an Xi instrument that includes a use counter?		
	109:02 A. That's correct.		
	109:03 Q. What are those differences?		
	109:04 A. We're getting into more nerding --		
	109:05 nerding.		
	109:06 So, the Si instrument has something called		
	109:07 a Dallas chip, Dallas one-wire chip -- sorry, Kim,		
	109:08 I'll be slow -- have a Dallas one-wire chip. And		
	109:09 they have four mechanical pins called pogo pins.		

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DESIGNATION	SOURCE	DURATION	ID
	109:10 These are pins that move in and out, that make the		
	109:11 connection to the robot. They have a physical		
	109:12 connection. They don't have power source. They		
	109:13 need to talk to the robot to deliver power, and		
	109:14 then they need to communicate to the robot through		
	109:15 the physical mechanical pogo pins.		
109:19 - 110:03	<b>Last, First 2025-01-07</b>	00:00:34	<b>V5A.12</b>
	109:19 In case of Xi instruments, we have an RFID		
	109:20 chip which does not have any electrical or		
	109:21 mechanical connection other than it is talking		
	109:22 through RF energy to the robot.		
	109:23 BY MR. VAN HOVEN:		
	109:24 Q. Got it.		
	109:25 And is it your understanding that there's		
	110:01 different encryption used on the Si Dallas chip		
	110:02 versus the Xi RFID chip?		
	110:03 A. That is correct.		
112:19 - 112:23	<b>Last, First 2025-01-07</b>	00:00:13	<b>V5A.13</b>
 TX638.1	112:19 I'll represent that the label, that the		
	112:20 Bates number is Intuitive-00999771.		
	112:21 This is a somewhat long e-mail.		
	112:22 (Plaintiff's Exhibit No. 220 Marked for		
	112:23 Identification.)		
122:18 - 123:17	<b>Last, First 2025-01-07</b>	00:01:15	<b>V5A.14</b>
	122:18 Q. Do you see the next sentence in the		
	122:19 e-mail chain that you are copied on, starting with		
 TX638.2.2	122:20 'Not sure...'?		
	122:21 A. 'Not sure...,' correct.		
	122:22 I read that, yes.		
	122:23 Q. Do you see it states that the Microchip		
	122:24 employee 'seemed to be suggesting that there may		
	122:25 be opportunity to hack the chip we use'?		
	123:01 A. Yes.		
	123:02 Q. Do you have an understanding of what it		
	123:03 would be referring to to be hacking the chip you		
	123:04 use?		
	123:05 A. Yes.		
	123:06 Q. What's your understanding?		
	123:07 A. My understanding would be trying to break		
	123:08 into the RFID chip and the encryption.		

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DESIGNATION	SOURCE	DURATION	ID
	123:09	End of the day, these are all encryptions.	
	123:10	So encryptions have a computer limit,	
	123:11	right? Like, there is processing power that's	
	123:12	needed, and you have to try combinations. And I	
	123:13	am thinking they are saying there's an opportunity	
	123:14	to hack into our RFID chip. Doesn't mean it's	
	123:15	done, but that's true for all cryptography, right?	
	123:16	Like, any encryption can be end of the day	
 Clear	123:17	broken.	



Documents linked to video:

TX638

TX933

TX934